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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

EVELYN CHERNIS IRREVOCABLE TRUST
AGREEMENT FOR SAMANTHA EYGES DTD
OCTOBER 6TH 1986; MARILYN CHERNIS, in her
capacity as Trustee of the Evelyn Chernis Irrevocable
Trust Agreement for Samantha Eyges dtd October 6th
1986; RICHARD EYGES, in his capacity as Trustee
of the Evelyn Chernis Irrevocable Trust Agreement for

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04711 (SMB)

Samantha Eyges dtd October 6th, 1986; DAVID M. DUCHESNEAU, in his capacity as Trustee of the Evelyn Chernis Irrevocable Trust Agreement for Samantha Eyges dtd October 6th, 1986; and SAMANTHA C. EYGES,
Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY
DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Defendants Evelyn Chernis Irrevocable Trust Agreement for Samantha Eyges dtd October 6th 1986 (“Evelyn Chernis Trust”); Marilyn Chernis, in her capacity as Trustee of the Evelyn Chernis Trust (“Marilyn Chernis”); Richard Eyges, in his capacity as Trustee of the Evelyn Chernis Trust (“Richard Eyges”); David M. Duchesneau, in his capacity as Trustee of the Evelyn Chernis Trust (“David Duchesneau”); and Samantha C. Eyges, by and through their counsel, Martin B. Shulkin of Duane Morris LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the Complaint against Evelyn Chernis Trust, Marilyn Chernis, Richard Eyges, David Duchesneau, and Samantha C. Eyges.
2. On July 18, 2014, Defendants Evelyn Chernis Trust, Marilyn Chernis, Richard Eyges, David Duchesneau, and Samantha C. Eyges served an answer on the Trustee.
3. On September 18, 2015, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].
4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary

proceeding and dismissing the adversary proceeding.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

New York, New York
November 2, 2015

By: /s/ Nicholas J. Cremona
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LLC and the Estate of Bernard L. Madoff*

*Attorney for Evelyn Chernis Trust, Marilyn
Chernis, Richard Eyges, David Duchesneau,
and Samantha C. Eyges*

SO ORDERED

Dated: November 2nd, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE